

A MEETING OF THE BOARD OF COMMISSIONERS
OF THE CITY OF SODDY-DAISY, TENNESSEE, WAS
HELD ON THURSDAY, MAY 7, 2009 AT 7:00 P.M.

MEMBERS PRESENT:
MAYOR SHIPLEY
VICE-MAYOR PRIVETT
COMMISSIONER ADAMS
COMMISSIONER HARMON
COMMISSIONER SKILES
INTERIM MANAGER BURRIS
CITY ATTORNEY ELLIOTT
SECRETARY BARKER

The minutes of the meeting held April 16, 2009 were approved as presented.

Citizens’ Participation:

Robert Cothran, 10175 Dallas Hollow Road, representing Vietnam Veterans Chapter 942, invited everyone to the Fishing Rodeo to be held on Saturday, June 6th at Holly Park. He also thanked everyone for their support of the car show they had last month, which was very successful. Next he requested permission to hold a Pumpkin Festival at the North Park on October 17th. The Commission expressed their support for this event and told Mr. Cothran to move forward with his plans. Mr. Cothran asked if the City would support and provide the space for another static display at Veteran’s Park. He stated they are in the process of requisitioning a Sherman Tank, N113APC and this requires a lot of paper work for approval. He stated a concrete pad for placement would be required. It was the consensus of the Board to support this endeavor.

Billy Jack “Punk” Heard, 9061 Daisy Dallas Road requested the pot holes be repaired on Daisy Dallas Road.

Old Business:

2008-09 ORDINANCE NO. 8
AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, AMENDING
TITLE 9 OF THE MUNICIPAL CODE TO MORE SPECIFICALLY DEFINE
TERMS RELATED TO ADULT-ORIENTED BUSINESSES.
SECOND AND FINAL READING.

City Attorney Elliott stated that this is to reflect some changes necessitated by the Supreme Court. City Attorney Elliott made a recommendation to the Board to pass this ordinance.

- 1st - Vice-Mayor Privett
- 2nd - Commissioner Harmon
- Ayes - Unanimous

2008-09 ORDINANCE NO. 9
AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, AMENDING
THE ZONING ORDINANCE, ARTICLE V, SECTION 105.1.1.
SECOND AND FINAL READING.

- 1st - Commissioner Harmon
- 2nd - Commissioner Skiles
- Ayes - Unanimous

2008-09 ORDINANCE NO. 10
AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
AMENDING TITLE 1, CHAPTER 1, SECTION 1-102 OF THE MUNICIPAL CODE
ESTABLISHING THE ORDER OF BUSINESS FOR CITY COMMISSION MEETINGS.
SECOND AND FINAL READING.

Mayor Shipley stated this change simply means moving citizens participation down below new

business on the agenda, which would allow people conducting business with the Board to be able to leave prior to a possible lengthy discussion.

1 st	-	Vice-Mayor Privett
2 nd	-	Commissioner Harmon
Ayes	-	Unanimous

City Attorney Elliott reported on the internal affairs investigation conducted by the Hamilton County Sheriff's Department on the Roger "Pokie" Redden incident. He stated the results of the autopsy report have been received and the Sheriff's Department has completed their investigation. The investigation found that neither the use of the taser or any other conduct on the part of the City's officers caused or contributed to Mr. Redden's death. The autopsy report found that it was the result of an advanced biological condition that he had, infection of the lungs and other aspects of his body. The internal affairs investigation also exonerated the City's officers from any sort of claim of excessive force. Attorney Elliott stated that this information has been provided to all the officers and Mr. Redden's family. He further stated that this report will be available Friday, May 8th at City Hall.

Interim Manager Burris reported on the annual concrete bids. Commissioner Harmon stated he felt if we purchased concrete locally rather than from a further distance it would save time and money. Vice-Mayor Privett asked City Attorney Elliott if it would be legal to purchase large amounts of concrete from one bidder and smaller amounts from a bidder close by. Attorney Elliott stated if it was not bid that way, an alternate bid would have to be taken. Vice-Mayor Privett asked if there was any mention of a delivery/surcharge or a minimal amount of yardage to be delivered. It was the consensus of the Board to obtain further information and delay action until the next meeting.

Interim Manager Burris reported on the annual asphalt bids. The Board had questions regarding bidding results, asked for more information and delayed action until the next meeting.

Interim Manager Burris presented a request from the fire department for rope rescue equipment, which was a budgeted item in the amount of \$4,375.55. Three quotes were received with a request to purchase from the lowest bidder, On Rope One. Vice-Mayor Privett made a motion to approve the purchase, Commissioner Harmon seconded the motion and the ayes were unanimous.

Interim Manager Burris introduced Tracy Baker, an intern with MTAS, who is working this month for the City. Several months ago the Board agreed to participate in the internship along with nine other surrounding cities. While here Tracy will be redoing the Personnel Policy. Tracy is from Nashville, went to UT Martin under graduate school, finished her Masters of Public Administration at UT Knoxville this year and is training to be a City Manager.

Interim Manager Burris announced the Board is invited to attend a retirement tea on May 26, 2009 at 1:00 p.m. at the Soddy-Daisy First Baptist Church for Dr. Robert Jenkins who is retiring as principal from Soddy-Daisy Middle School.

Interim Manager Burris reported on the garbage proposals taken. At this time Mayor Shipley asked City Attorney Elliott to explain the situation with the bidding and the way that certain items were specified in the bid. Attorney Elliott said the language in the specs states that the proposer must supply evidence that the Proposer has been in business for an excess of five years, or if less than five years, experience serving a governmental customer, or an individual customer base of 4,000 or more. In the case of a Proposer in business for less than five years, the City Manager may require appropriate references to determine whether the Proposer is qualified. Attorney Elliott stated this is subject to some interpretation and his belief is a proposer must be in business for an excess of five years or have experience serving a governmental customer or individual customer base of 4,000 or more. Attorney Elliott stated that he understands the low bidder is an LLC that was created with assets that did have experience for a number of years, but they did not buy that business, instead they bought the assets of a business and created a new LLC, which has some experience, but the actual Proposer is relatively a new entity. Mayor Shipley asked the Proposer, Sean Sims of Priority Waste if he and his attorney would like to address the Board. Attorney Trey Harris, Miller and Martin, representing Sean Sims stated that Mr. Sims has been in the trash business for a number of years and that he did acquire the assets of Priority Waste, which still has the same name and operates as the same company. He stated that in 2001 Waste Connections of Tennessee was formed out of Waste Connections, Inc. and in 2003 they were awarded the bid contract under the same language. He stated that Waste Connections are trying to say Mr. Sims qualifications do not fit the contract requirements. Mr. Harris asked the Board to exercise their discretion they're afforded them. Mayor Shipley asked if a representative from Waste Connections was present. Mr. Douglas McGill, Municipal Marketing Manager was present. Mr. McGill

explained that Waste Connections of Tennessee is a wholly owned subsidiary of Waste Connections Inc., with a corporate office in Sacramento, California. The company was started in 1997 and took over Ocoee Environmental, a company which had the City's contract in 2001 and the third largest garbage company in the country. They have been in business over ten years. Mr. McGill stated that the difference in their bid and the low bid is fourteen cents. The bid meets all requirements in the proposal and provided all bonds as required. He stated he included the bid specifications and an annual report with his bid and feels Waste Connections should be awarded the contract because they fulfilled all obligations in the bid. He also feels there are some loose ends on some of the other contracts that should be reviewed. Mayor Shipley asked if any other Proposers were present and would like to say something on behalf of their bid. Kathy Clark, a representative of K & K Waste was present and stated they have been in business for nine years and only do residential service. They have over six thousand customers and feel they are qualified to perform the service. K & K Waste was third lowest bidder. Several citizens were present and spoke out in favor of the current service performed by Waste Connections and feel it would be in the City's best interest to award the contract to Waste Connections. Mayor Shipley stated that Attorney Elliott has advised the Commission of the issues with the low bid. Commissioner Adams stated he shares the same views as the citizens that have spoken. He stated that Waste Connections has done an excellent job. Commissioner Adams said it is down to a legal stand point. Normally you would choose the lowest bidder, but it is apparent there are some issues with the low bid package. City Attorney Elliott stated there is technical issues with the specifications as written, the way it was responded to and whether the specs were met. Commissioner Skiles said he did not want the City to end up in a lawsuit and sometimes the cheapest way is not always the best way. Vice-Mayor Privett stated he wanted the public to know why there is a discussion on this bid. He stated that the law states that there must be a plausible reason for the rejection of the lowest bid. He said the total annual difference is \$8,572.80. He stated that the guidance of City Attorney Elliott is that the low bidder is not responsive to our specs. Commission Harmon stated he feels the bid specs are a little vague, but he has no personal complaints with the current service. Mayor Shipley stated the Commission must make the best decision for the City and its citizens. He stated the legal aspects is the main concern. Commissioner Adams made the motion to award the garbage contract to Waste Connections.

- 1st - Commissioner Adams
- 2nd - Commission Skiles
- Ayes - Vice-Mayor Privett
- Commissioner Adams
- Commissioner Skiles
- Mayor Shipley
- Nays - Commissioner Harmon

Commissioner Skiles stated that the City is currently working on the issues at the Plantation Subdivision and he would like to see the right-of-ways mowed along Posey Hollow. Mayor Shipley stated the City is continuing to correct the City's responsibility on the situation at the Plantation. Vice-Mayor Privett addressed the problem of the ditch where water backs up and is overgrown with vines and weeds. He stated he thinks it belongs to the State or TVA. Commissioner Adams stated that he thinks it is a blue line stream, but would verify this.

Vice-Mayor Privett addressed the mowing of the City right-of-ways and asked if there is a scheduled or a route followed. If not, he would like to see this addressed.

Commissioner Harmon asked the citizens present if any of them live in a rural area and if they would object to the City leaving a mower overnight on their property. He would be interested in obtaining more information on this matter. He stated it would save time and keep from driving the tractors a long distance each day.

Mayor Shipley advised Gary Sannes of Weathersby Road, the City would return to his issue and thanked him for his patience.

ADJOURNMENT 8:20 P.M.

SECRETARY BARKER

